

October 06, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

BY: IR
DEPUTY

PROFECTUS TECHNOLOGY LLC,

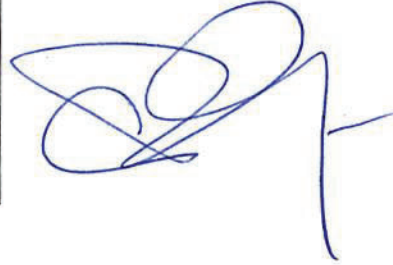
Plaintiff,

v.

GOOGLE LLC,

Defendant.

Case No. 6:20-cv-00101-ADA



VERDICT FORM

In answering the following questions and filling out this Verdict Form, you are to follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. You should refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

As used herein, "Profectus" means Profectus Technology LLC, and "Google" means Google LLC. As used herein, "the '308 Patent" refers to U.S. Patent No. 6,975,308.

INFRINGEMENT

Directions for Question 1 & 2: In answering Questions 1 & 2 below, please check “Yes” or “No” for each listed asserted claim in the space provided.

Question 1: Has Profectus proven by a **preponderance of the evidence** that Google has directly infringed the following asserted claims of the **'308 Patent**?

“Yes” is in favor of Profectus, and “No” is in favor of Google.

Claim 1: Yes _____ No ✓

Claim 4: Yes _____ No ✓

Claim 9: Yes _____ No ✓

Claim 22: Yes _____ No ✓

Claim 30: Yes _____ No ✓

Please proceed to **Question 2**.

Question 2: Has Profectus proven by a **preponderance of the evidence** that Google has actively induced infringement of the following asserted claims of the **'308 Patent**?

"Yes" is in favor of Profectus, and "No" is in favor of Google.

Claim 1: Yes _____ No ✓

Claim 4: Yes _____ No ✓

Claim 9: Yes _____ No ✓

Claim 22: Yes _____ No ✓

Claim 30: Yes _____ No ✓

Please proceed to **Question 3**.

INVALIDITY

Directions for Question 3: In answering Question 3 below, please check “Yes” or “No” for each listed asserted claim of the ’308 Patent in the space provided.

Question 3: Has Google proven by **clear and convincing evidence** that the following asserted claims of the **’308 Patent** are invalid?

“Yes” is in favor of Google, and “No” is in favor of Profectus.

Claim 1: Yes ☒ No ☐

Claim 4: Yes ☒ No ☐

Claim 9: Yes ☒ No ☐

Claim 22: Yes ☒ No ☐

Claim 30: Yes ☒ No ☐

Please proceed to the next page.

At this point in the Verdict Form, you should have fully answered Questions 1, 2, and 3. If you have not fully answered Questions 1, 2, and 3, please go back and answer them before proceeding.

You should only proceed to answer Questions 4 and 5 if you answered “Yes” for any asserted claim in Question 1 OR Question 2, AND you answered “No” for the same asserted claim in Question 3.

If you answered “No” for all asserted claims in Questions 1 and 2, OR you answered “Yes” for all asserted claims in Question 3, then do not answer Questions 4 or 5. Proceed to the Final Page of the Verdict Form and follow the instructions given there. You should not pay attention to any instructions for Questions 4 or 5.

DAMAGES

Directions for Question 4: In answering Question 4, please provide the dollar amount in the blank space.

Question 4: What is the amount of damages you find Profectus has proven by a **preponderance of the evidence** for Google's infringement of the '308 Patent?

\$ _____.

Please proceed to **Question 5**.

WILLFUL INFRINGEMENT

Directions for Question 5: In answering Question 5, please check “Yes” or “No.”

Question 5: Has Profectus proven by a **preponderance of the evidence** that Google’s infringement of the **’308 Patent** was willful?

“Yes” is in favor of Profectus, and “No” is in favor of Google.

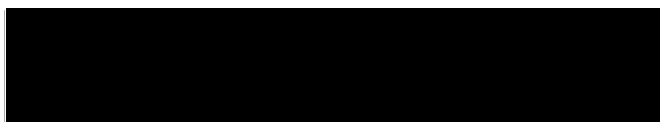
Yes ____ No ____

Please proceed to the Final Page of the Verdict Form.

Final Page of the Verdict Form

You have now reached the end of the Verdict Form and should review it to make sure it accurately reflects your **unanimous** determinations. After you are satisfied that your **unanimous** answers are correctly reflected above, your Jury Foreperson should then sign and date this Verdict Form in the spaces below. Once that is done, please notify the Court Security Officer that you have reached a verdict. The Jury Foreperson should retain possession of the Verdict Form and bring it when the jury is brought back into the courtroom.

Signed on this 6th day of October, 2021.



JURY FOREPERSON